

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:09-CR-78 JCM (RJJ)
2:10-CR-520 JCM (RJJ)

Plaintiff,

V.

SHAWN RICE,

Defendant.

ORDER

Presently before the court is *pro se* defendant Shawn Talbot Rice's second motion for enlargement of time. (Doc. # 307 in case 2:09-cr-00078; doc. # 68 in case 2:10-cr-00520).

16 Defendant seeks to continue the sentencing hearing, currently set for November 23, 2012,
17 to December 27, 2012. (Doc. # 307, 2:4 in case 2:09-cr-00078; doc. # 68, 2:4 in case 2:10-cr-00520).
18 The court, in a previous order granting defendant an extension of time, permitted defendant to seek
19 an additional continuance of his sentencing hearing if he did not receive a trial transcript in his case
20 by September 28, 2012. (Doc. # 304). Defendant represents to the court that, to date, he has not been
21 furnished with the trial transcript. (Doc. # 307, 2:3 in case 2:09-cr-00078; doc. # 68, 2:3 in case 2:10-
22 cr-00520). Without these transcripts defendant does not believe he can sufficiently prepare for his
23 sentencing hearing.

24 The court appreciates the importance of a criminal *pro se* defendant's ability to adequately
25 prepare for critical stages of a proceeding. *See Gardner v. Florida*, 430 U.S. 349, 358, (1977)
26 (sentencing is critical stage in criminal proceedings). Because defendant has been unable to obtain
27 important documents to present his position at the sentencing hearing, the court finds good cause for

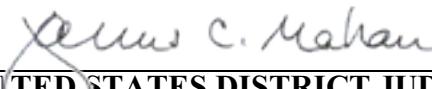
1 a continuance.¹

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, motion for enlargement of
4 time (doc. # 307 in case 2:09-cr-00078; doc. # 67 in case 2:10-cr-00520) be, and the same hereby
5 is, GRANTED.

6 THEREFORE IT IS ORDERED that the sentencing hearing be **continued to December 27,**
7 **2012, at 10:00 a.m.**

8 DATED October 23, 2012.

9 
10 **UNITED STATES DISTRICT JUDGE**
11

27 ¹ The court declines to order that the trial transcript be provided to defendant at no cost. The court's finds that
28 granting defendant's extension of time adequate to permit defendant to exhaust the administrative requirements at his
facility to obtain the transcript.